

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokinen et al. (U.S. Publication 2002/0095333) in view of Lehtikainen et al. (U.S. Publication 2002/0077060).

Regarding claim 14, Jokinen teaches a method comprising: maintaining in a wireless device a list of real-world services that are available from a user of the device through an application running on the device, see [0038], [0040], and [0047]; and through a wireless communication channel, broadcasting information from the device indicative of the available real-world services, see [0040], 0054]. Jokinen fails to teach that the wireless device is a handheld wireless device. In an analogous art, Lehtikainen teaches a portable transceiver 14 which is used to broadcast services to another wireless devices (see [0030] and [0040]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lehtikainen with Jokinen in order to provide portability to the broadcast services.

Regarding the rejection of independent claims 14 and 17, Applicant argues that the purported obviousness of the wireless device being handheld is not relevant to the fact that the cited references do not disclose and would not have made obvious either maintaining in (the) device a list of real-world services that are available from an application running on the device" or broadcasting (such) information from the device [itself]." In response, the examiner respectfully disagrees. It is noted that in Lehtikainen, the handheld device 14 has the capability of providing advertisements for local stores/services, providing maps, etc (see [0040]). Similarly, the server 40 of Jokinen also can provide real-world services running on an application. Therefore, the combination of Lehtikainen and Jokinen does teach that the handheld device maintains the list of real-world services that are available from an application running on the device and broadcasting such information from the device.

Claim 14 has been amended to recite maintaining "a list of location-specific informational or transactional applications capable of receiving information and processing transactions specific to a given location" and, "on the device, making the applications available for use by entities other than the device."

The cited passages of Jokinen and Lehtikainen do not describe and would not have made obvious what is claimed. Jokinen is concerned with providing "electronic coupon[s]" and other

“advertising messages ... *to* mobile terminals” (abstract, emphasis added) and explains, for example, that

[a] server usually contains in [an] advertisement database any predetermined portions of the content of the advertising messages to be distributed. (¶ [0040], reference numbers removed, emphasis added)

Lehikoinen is concerned with distributing location-specific information from a device in that location, for example:

one or more *beacons* disposed *in a train station* may receive continuous updates on train schedule information such as arrivals ... A traveler entering the train station (and the operating ranges of the train station beacons), will be able to obtain the stored train schedule information by simply selecting the services access key ... (¶ [0034], emphasis added)

In contrast, the applications available for use by entities other than the device in claim 14 are made available “on the [handheld] device.” As explained in the specification, in some examples:

... an application 110 running on a mobile device [is able] to broadcast information about **services that it provides to other devices** running applications. Conversely, an application is able to **identify and learn about services that are made available by applications running on other devices**, ... The service-broadcasting capability enables the creation of a **fabric of millions of devices** ... that provide and use services.
(p. 19, ll. 2-14, emphasis added)

In both Jokinen and Lehikoinen, it is the stationary server that is maintaining or broadcasting services. Thus, no combination of the references described or would have made obvious “maintaining *in a handheld wireless device* a list of ... applications” and “*on the device*, making the applications available for use by entities other than the device” (emphasis added). Neither reference describes a handheld device keeping track of such applications on its own, or a handled device sharing those applications with other such devices. And, there would have been no motivation to make the information portable, because neither of the references suggests that handled devices are doing anything other than using the services themselves through interaction with the server.

Regarding claim 17, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 14.

Claim 17 has been amended and is patentable for at least similar reasons as claim 14.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (U.S. Patent 6,658,264) in view of Jonsson et al. (US 2003/0036350).

Regarding claim 23, Irvin teaches a method comprising: maintaining a list of short-range wireless devices within range of a first short-range wireless device (col. 8, 59-64, double entry phonebook, walkie-talkie access number, see also walkie-talkie or Bluetooth transceiver in col. 9, lines 2-5); transmitting a message from an identified user of the first device to a second identified user of a second wireless device over a communication medium (col. 8, 64-66, place the call), the communication medium being selected based at least in part on whether the second device is included on the list, the selection being transparent to the user of the first device (col. 8, 66 through col. 9, 4, see if the cellular number can be associated with a walkie-talkie access number). Irvin does not teach the inherency in the Bluetooth communication system that when in range or to be known within range the Bluetooth devices invoke a service discovery protocol (SDP) so that the devices can know each other when in range. Jonsson teaches that when in range or to be known within range the Bluetooth devices invoke a service discovery protocol (SDP) so that the devices can have the list of desired neighbor devices (see [0003], [0026]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Jonsson to the system of Irvin so that only devices belong to a desired class can be selected.

Applicant's arguments with respect to claims 23-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim 23 has been amended to include that "the communication medium [is] selected based at least in part ... on the fact that the second device is being used by the second identified user." Irvin describes a double-entry phone book that contains indications of "which transceiver access number to try first with respect to each entity listed in the phonebook when initiating a call" (col. 7, ll. 18-20). Jonsson describes how "the neighbor discovery feature allows one Bluetooth unit to find any other Bluetooth unit which the first Bluetooth unit can communicate with" (§ [0026]). Neither Irvin nor Jonsson describes or would have made obvious choosing a communication medium based on "the fact that the second identified user is **using** the second device."

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

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Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050, reference 12206-002001.

Respectfully submitted,

Date: 6/6/6


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